

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: Bair Hugger Forced Air Warming MDL No. 15-2666 (JNE/DTS)
Devices Products Liability Litigation

This Document Relates to:
ALL ACTIONS

**DECLARATION OF BENJAMIN W. HULSE IN SUPPORT OF DEFENDANTS’
MOTION FOR CONTEMPT ORDER AND SACTIONS FOR VIOLATIONS OF
COURT ORDERS REGARDING SEALING AND CONFIDENTIALITY**

Benjamin W. Hulse, being first duly sworn, deposes, and declares:

I am an attorney at the law firm of Blackwell Burke P.A., and one of the attorneys who represents 3M Company and Arizant Healthcare Inc. (together, “Defendants”) in this litigation. I submit this declaration in support of Defendants’ Motion for Contempt Order and Sanctions for Violations of Court Orders Regarding Sealing and Confidentiality. Unless otherwise stated, the facts set forth herein are based upon my personal knowledge, information, and belief.

1. Attached as Exhibit A is a true and correct copy of “Defendants 3M Company and Arizant Healthcare Inc.’s Responses and Objections to Plaintiff’s Second Set of Requests for Production” served in the *Petitta* matter on March 1, 2019.

2. Attached as Exhibit B is a true and correct copy of correspondence from Benjamin W. Hulse to this Court, dated January 30, 2019.

3. Attached as Exhibit C is a true and correct copy of email correspondence from Deborah E. Lewis to Albert Garcia (plaintiff's counsel in the *Petitta* matter), dated January 24, 2019.

4. Attached as Exhibit D is a true and correct copy of email correspondence from Deborah E. Lewis to MDL Counsel Kyle Farrar and Gabriel Assaad, along with Petitta's counsel Albert Garcia, dated April 5, 2019.

5. Attached as Exhibit E is a true and correct copy of "Plaintiff's Motion to Compel" filed in the *Petitta* matter on May 9, 2019. **(FILED UNDER SEAL)**

6. Attached as Exhibit F is a true and correct copy of the "Order Clarifying the Seal Requirement with Respect to This Court's Memorandum Opinion (Dkt. No. 193) And Duty of Counsel to Meet and Confer" filed by the court in the *Walton* matter on November 20, 2015.

7. Attached as Exhibit G is a true and correct copy of the "Order" order filed under seal by the court in the *Johnson* matter on November 12, 2015. **(FILED UNDER SEAL)**

8. Attached as Exhibit H are true and correct copies of correspondence from Monica L. Davies to MDL Counsel Genevieve Zimmerman, dated June 20, 2018, and email correspondence from Benjamin W. Hulse to Genevieve Zimmerman, Jan Conlin and Ben Gordon, dated October 5, 2018.

9. Attached as Exhibit I is a true and correct copy of correspondence from MDL Counsel Genevieve Zimmerman to this Court, dated January 30, 2019.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Minneapolis, Minnesota, this 6th day of June, 2019.

s/Benjamin W. Hulse

Benjamin W. Hulse